



Paper No. 6

COPY MAILED**JUL 30 2001**BRADLEY T. SAKO, ESQ.
3954 LOCH LOMAND WAY
LIVERMORE, CA 94550In re Application of
Raccah et al.
Application No. 09/709,187
Filed: November 10, 2000
Attorney Docket No. ZAM-0001OFFICE OF PETITIONS
A/C PATENTS
DECISION DISMISSING
PETITION

This is a decision on the petition filed on May 17, 2001, requesting that a Notice to File Missing Parts ("Notice"), mailed on March 14, 2001 for the above-identified application, be partially withdrawn to the extent that it refers to an omitted Figure 6D.

The petition is DISMISSED.

The application was filed on November 10, 2000. However, on March 14, 2001, the Initial Patent Examination Division mailed the Notice stating that the application had been accorded a filing date, and advising Applicants that Figure 6D described in the specification appeared to have been omitted from the filed application. The Notice further states that an oath or declaration was missing.

In response, the present petition was filed wherein Petitioners contend that Figure 6D was submitted on November 10, 2000 along with the remainder of the application. In support, the petition encloses a "copy" of the originally filed application, including 7 sheets of drawings, and a declaration by Counsel authenticating this "copy" as being a copy of the application filed on November 10, 2000.

Despite Counsel's declaration, where, as in here, there is a question regarding whether a document was received by the Office, the Office will rely on its official records, i.e., the contents of the pertinent application file, absent convincing evidence¹ suggesting that the Office has received and subsequently misplaced that document which is not contained in the Office file for this application.² The Office file for this application includes 6 sheets of drawings containing Figures 1, 2, 3A, 3B, 4, 5, 6A, 6B, 6C, 7, 8, but not a Figure 6D. This is consistent with the transmittal form for the application which indicates that 6 sheets of drawings were enclosed with the application.

In view of the above, the Office concludes that Figure 6D, which occupies 1 sheet of drawing, was not filed on November 10, 2000. The petition is thus dismissed.

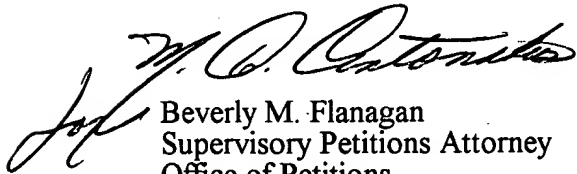
¹ E.g., a postcard receipt in accordance with MPEP 503 (Rev. 1, Feb. 2000).

² See MPEP 513 (Rev. 1, Feb. 2000).

In addition, the Office acknowledges receipt of the Declaration.

The application is being returned to the Initial Patent Examination Division for further processing with a filing date of November 10, 2000, using the 6 sheets of drawings filed on that date.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan", is written over the typed name.

Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy